

August 3, 2005

**OBJECTIVE:** The objective of the meeting is to ensure that the Chairman is aware of two areas of vital import to national security that are in jeopardy, and to discuss reasonable measures that would ensure these vital partnerships are preserved.

**PARTICIPANTS:** Karl Rauscher, Vice Chair – Network Reliability Steering Committee  
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### Introduction

- Follow up from brief discussion during May NSTAC meeting
- Can the FCC be a partner with industry in addressing national security matters, or can it only operate as a regulator of industry?
- *Examples of Longstanding Partnerships in Jeopardy:* The industry and FCC have had a healthy partnership in areas that have promoted the health of the nation's public networks for more than a decade. Two of these examples are reviewed below :

### Network Reliability Steering Committee

- **Profile**
  - Broad industry collaborative effort established in 1992 to monitor the health of the nation's public networks and guide industry improvements
  - Operates under the auspices of the Alliance for Telecommunications Industry Solutions (ATIS)
  - Recognized by international community of experts as world-class process
  - Mission adjusted to accommodate FCC expanded outage reporting requirements (e.g., wireless, cable, satellite); corresponding industry support confirmed
  - Vital to homeland security
- **Value Added**
  - Annual and quarterly reports on health of the nation's public networks
  - Trend identification by statistical analysis of outages
  - Special studies conducted by industry experts (hurricanes, power blackout, synchronization, signaling, cable dig-ups, etc.)
  - Quarterly public meetings to review analyses, findings and work plan
  - Encourage industry use of Best Practices
  - Results show strong, steady improvements in both of its two primary metrics: outage frequency and outage (impact) index (see charts)
- **Current Disposition**
  - Access to outage data has stopped since the new (January 2005) FCC rules went in to effect
    - The FCC's rules for its new outage reporting mandates understandably invoke a FOIA exemption that protects certain commercially-sensitive/competitive data
    - However, the FCC has been unable to pass to the NRSC industry experts the minimal, critical subset of data, which is non-competitive, but is essential to identify trends and develop countermeasures.
    - In its 2004 filings, the industry emphasized both the importance of protecting sensitive data from disclosure for national security reasons and the importance of industry expert analysis to learn
  - Continuation of the world-recognized, best-in-class model NRSC process, because it has lost access to the outage data, is in jeopardy
- **Desired Outcome**
  - NRSC can access non-sensitive fields of all outage reports

- NRSC process continues; industry experts conduct statistical analyses and special studies to provide industry guidance on improvements
- Value of NRSC process is preserved, promoting the health of the nation's public networks

### Network Reliability and Interoperability Council Best Practices

- **Profile**
  - Initiative began with first NRIC (NRC, 1992)
  - Subject matter includes: network reliability, infrastructure protection, network interoperability, disaster recovery, network security
  - Over 800 Best Practices developed to date
  - Model process recognized as world-class for over ten years
  - Vital to homeland security
- **Value Added**
  - Unparalleled information sharing and learning
    - industry's real experts (network design, operations, software, hardware, building security, network security, human factors, etc.) are directly engaged, - e.g., not government affairs/legal staff
    - guidance is "overflowing", in that it has always been understood that not all Best Practices are applicable in every situation
    - rigorous process used (100s of experts; 1000s of hours)
  - Guidance for 10,000s throughout the industry in many disciplines (+ world)
  - Model process for other sectors
  - Industry surveys show high levels of effectiveness and implementation
  - Has been a "safe" place for industry experts to openly discuss approaches
- **Current Disposition**
  - Trend of increasing caution among industry experts concerned about having Best Practices mandated
  - NRIC VII change in focus to policy from technical (e.g., read by some as a shift to regulatory instrument, away from original intent)
  - Voluntary implementation considered critical to maintain subject matter expert engagement
  - Best Practices have increasingly critical role in homeland security
- **Desired Outcome**
  - Assurance given to industry that Best Practice development is not evolving into a regulatory process
  - Industry's experts continue to "show up" and discuss best methods openly, with accurate expectations that their guidance will not be forced on the industry
  - Vibrant Best Practice development process continues to ensure the optimal reliability and security of the nation's networks

### Conclusion

*The genesis of NRIC, industry reporting of major outages to the FCC and the NRSC was a single supplier that caused multiple outages across the United States because they had a known software problem but failed to warn the service provider customers. Failures occurred in succession across the country because there was no process in place to communicate between companies that failures were occurring and recognize a trend. We are now back to that situation once again and totally dependent on the FCC recognizing and taking action to warn industry that a systemic problem has been introduced in the public networks.*

- If the FCC can be a partner, what assurances can be provided that the FCC will continue to work with the industry to preserve the value of these processes?
- What does the industry need to do to be a better partner with the FCC?